

**CENTRAL ELECTRICITY REGULATORY COMMISSION  
NEW DELHI**

**NOTIFICATION (DRAFT)**

No.-L-1/(3)/2009-CERC

Dated the 2<sup>nd</sup> June 2011

In exercise of powers conferred under section 178 of the Electricity Act, 2003 and all other powers enabling it in this behalf, and after previous publication, the Central Electricity Regulatory Commission hereby makes the following regulations, to amend Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters) Regulations, 2009 (hereinafter referred to as "the principal regulations", namely:

**1. Short title and commencement:** (1) These regulations may be called the Central Electricity Regulatory Commission (Grant of Connectivity, Long-term Access and Medium-term Open Access in inter-State Transmission and related matters)( Second Amendment) Regulations, 2011.

(2) These regulations shall come into force with effect from the date of their publication in the Official Gazette.

**2. Amendment to Regulation 8:**

(1) Clause (7) of Regulation 8 of the principal regulations shall be substituted as under, namely:

"(7) (i) Notwithstanding anything contained in clause (6) of this regulation, a generating station, including a captive generating

plant which has been granted connectivity to the grid shall be allowed to inject infirm power into the grid during testing including full load testing before its COD for a period not exceeding three months after obtaining prior permission of the concerned Regional Load Despatch Centre:

Provided that the concerned Regional Load Despatch Centre while granting such permission shall keep the grid security in view and ensure that injection of such infirm power is only for the purpose of testing, prior to COD of the generating station or a unit thereof;

(ii) Infirm power from a generating station or a unit thereof, other than those based on non-conventional energy sources, the tariff of which is determined by the Commission, shall be governed by the provisions of Central Electricity Regulatory Commission (Terms and Conditions of Tariff) Regulations, 2009 as amended from time to time or subsequent amendment thereof;

(iii) In respect of a generating station or unit thereof, whose tariff is not determined by the Commission, the generator may identify buyers for sale of infirm power during the period of testing prior to COD of the unit or the generating station as the case may be, and such infirm power shall be scheduled by the concerned Regional Load Despatch Centre subject to transmission constraints, if any. The price for such sale of infirm power to the identified buyers shall be as mutually agreed

between the generator and identified buyer(s):

Provided that where infirm power is injected into the grid during the testing prior to COD of a generating station or unit thereof for which no buyer has been identified, the generator shall be paid at UI rates for such infirm power subject to the ceiling of the following rates corresponding to the fuel used for the generation:

(a) Domestic coal/ gas (Rs. / kWh sent out)	:	1.65
(b) APM gas as fuel (Rs. / kWh sent out)	:	2.60
(c) Imported Coal/RLNG (Rs. / kWh sent out)	:	3.30
(c) Liquid Fuel (Rs. / kWh sent out)	:	9.00

Provided further that in case imported coal is being blended with domestic coal, then the ceiling rate of infirm power shall be arrived at in proportion to the ratio of blending based on the above rates of domestic and imported coal and shall be subject to a further ceiling of Rs. 1.90 / kWh ex-bus:

Provided also that in case the generating station uses natural gas supplied under Administrative Price Mechanism (APM), Re-gassified Liquid Natural Gas (RLNG) and Liquid fuel in combination for power generation, then the rate of infirm power shall be arrived at in proportion to the ratio of fuel consumption based on the rates specified above.

(2) The following two provisos shall be added after the proviso to clause (8) of Regulation 8 of the principal regulations, namely:

“Provided further that the construction of such dedicated transmission line may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating company has already made the advance payment for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases subject to a minimum of 10% of the sum of the such contract values:

Provided also that the transmission charges for such dedicated transmission line shall be payable by the generator even if the generation project gets delayed or is abandoned.”

**3. Amendment to Regulation 12:** (1) The third proviso to clause (1) of Regulation 12 of the principal regulations shall be substituted as under, namely.-

“Provided also that the construction of such augmentation of the transmission system may be taken up by the CTU or the transmission licensee in phases corresponding to the capacity which is likely to be commissioned in a given time frame after ensuring that the generating company has released the advance for the main plant packages i.e. Turbine island and steam generator island or the EPC contract in case of thermal generating station and major civil

work packages or the EPC contract in case of hydro generating stations for the corresponding capacity of the phase or the phases subject to a minimum of 10% of the sum of the such contract values:

Provided also that if the long-term customer has not identified the buyer for the capacity in full or in part under long-term access and sells such power under short-term or medium term open access, then the short term or medium term transmission charges paid or payable for the period of such short-term or medium-term open access for the given capacity shall be offset against the transmission charges for the Long Term access granted without identified beneficiaries, only if such short-term or medium-term open access is taken to the same region:

Provided also that the electricity traders, who have a portfolio of generators in a State for which Long Term Access has been obtained to a target region, shall not be allowed to offset charges for short-term or medium-term open access against the transmission charges for the long term access obtained without identified beneficiaries:

Provided also that the exact source of supply or destination of off-take, as the case may be, shall have to be firmed up and accordingly notified to the nodal agency:

Provided also that the Central Transmission Utility shall be required to construct the last leg of transmission line in the destination region in such time period as estimated by Central Transmission Utility for augmentation of such line segment subject to a maximum of 3 years from the date of notifying by the long-term customer."

(Rajiv Bansal)  
Secretary

Note: The principal regulations were notified in the Gazette of India Extraordinary Part III Section 4 at Ser No.140 dated 10.8.2009 and the first amendment to the principal regulations was notified in the Gazette of India Extraordinary Part III Section 4 at Ser No.225 dated 7.9.2010.